FOR MYSORE STATE

Revenue (1953) Department.

Ms. SERIES.

G.O. NO. 2085, 6-7 ef

Dated 20-7-1953

cf
&
4/7/53

3B

[Despatch Abstract.]

Lease - Lonu - (South Kanara)
Mangalore taluk - Thannirbhavi
village - S.No. 52/1x etc. - Grant
under the provisions of SO 24-A
to Sreemathi Anita Rodrigues -
Sanctioned

22 MAY 1953 4414

REVENUE DEPARTMENT
Subject.

... - Lease - (South Kanara) - Mangalore Taluk - Thandirbhavi Village - S.No.52/1.1 etc. - Proposals.

—

Station: Madras Ref.B.255/53-2 Dated 18-5-1953.

From:

Sri V.A.S.Sattianathan, I.C.S.,
Commissioner of Land Revenue.

Sri C.S.Krishna Moorthi, I.A.S.,
Secretary, Board of Revenue, Madras.

Read:- 1. South Kanara Collector's ref.C.No.A.1.16137/52-10 dated 26-12-1952.
2. Board's reference B.255/53-1 dated 17-1-1953.
3. South Kanara, Collector's ref.A.1.16137/52-12 dated 22-3-1953.

—

REFERENCE:

Submitted to the Government.

2. The Board recommends the proposal of the Collector.

R.
For Secretary.

To
The Secretary to the Government, Revenue Department, Madras (with connected records)
Copy to the Collector of South Kanara.

d.1.18.5.

COPY of letter C.No.A1.16137/52-10 dated 26-12-1952 from the Collector of South Kanara.

...

Sub:- ENCROACHMENT - Land - Mangalore Taluk - Thannirbhavi village - S.No.52/1A etc. - eviction - appeal - proposals - for lease - section - requested.

Ref:-1. Petition dated 13-6-1952 and 22-7-1952 from Srimathi Louisa Rodrigues.
2. Mangalore Revenue Divisional Officer's N.Dis.5264/52 dated 4-7-1952.
3. Mangalore Port Officer's No.2476/52-2 dated 10-10-1952.

Portions of the following plots in Thannirbhavi village of Mangalore Taluk have been encroached upon by the petitioner Srimathi Louisa Rodrigues.

S.No.	Description	Total Extent	Extent of Encroachment Denoted A.C.		Nature of Encroachment:
		Ac cts			
52/1	Por.River	72-42	52/1A	0-12	by means of a pucca filled building and planting cocoanut plants.
57/9 B1	A.W. Garden	0-32	57/9 B1	0-32	
57/10B	-do-	0-07	57/10B	0-07	
58/	Por.sea	12.61	58/2	0-15	

All the plots are situated within one furlong from the High water mark of the sea and are entered in the Prohibitory Order Book. They are also within 100 yards from the High water mark of the sea and within the Mangalore Port limits. They were granted to the petitioner for temporary occupation for agricultural purposes under B.S.O. No.15A by the Tahsildar Mangalore in his D.Dis.No.4182/49 dated 23-11-1949 for a period of 3 years from 1-7-1948 to 30-6-1951. But the petitioner instead of using the plots for the purpose for which they were granted constructed building to a height of above 12 feet without the previous permission of the proper authority and without obtaining a non marine licence. There was thus a breach of condition 12 of the grant and the Port Officer also objected to the height of the building. Thereupon encroachment proceedings were instituted and notice under section 6 of the L.E.Act issued. She has filed an appeal against the issue of this notice.

2. I inspected the plots on 21-11-1952 after issuing notice to the encroacher. The encroachments consists of a pucca bungalow building (with upstairs) round which a cocoanut garden is being raised and a coffee hotel like building which is claimed to be a servant's shed. The action of the encroacher is high handed. Her plea in para 8 of the appeal petition that the inspection by the Revenue Divisional Officer when the building materials had been gathered, was taken to imply acquiescence shows to what extent she can go to justify her action. The encroachment has to be regarded as highly objectionable and a serious view has to be taken of her recklessness in presenting the authorities with a fait accompli. In view of the clear ruling that no encroachments to a height of above 12 feet can be allowed within port limits, it is highly objectionable to allow an encroacher to raise a cocoanut plantation also as the trees will grow beyond the above height. Her plea that the tree are required for shade or protecting the bungalow against monsoon winds etc., cannot be accepted as she constructed the bungalow only at her own risk. Nor can her plea that there are cocoanut topes on the north help her, as those topes are on patta lands outside the port limits.

3. As the port Officer says now in his letter No.2476/52/2 dated 10-10-1952 that there is no objection to the temporary retention of the building and in view of the fact that, if the height of the building is reduced to 12 feet there can be no doubt that the building itself may be rendered useless and may possibly come down also, another causing considerable loss. I am of the opinion that the portions of the encroachments containing the bungalow may be leased out year after year under B.S.O.24-A subject to the condition that she should be prepared to get the bungalow demolished at short notice, in case this is found necessary at any time in the best rests of the Port. The portion containing coffee hotel building may also be similarly leased out. The cocoanut plants planted on all the plots should be removed as they will grow over 12 feet and their removal at a later stage may cause hardship. The plants are all timber now and no hardship will be caused by their removal now. The attempted fencing around the plants should also be removed as it interferes with the access of fishermen to the sea and as they object to it during my inspection.

COPY of letter C.No.A1.16137/52-10 dated 26-12-1952 from the Collector of South Kanara.

...

Sub:- ENCROACHMENT - Land - Mangalore Taluk - Thannirbhavi village S.No.52/IX etc. - eviction - appeal - proposals - for lease - section - requested.

Ref:-1. Petition dated 13-6-1952 and 22-7-1952 from Srimathi Louisa Rodrigues.
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3. Mangalore Port Officer's No.2476/52-2 dated 10-10-1952.

Portions of the following plots in Thannirbhavi village of Mangalore Taluk have been encroached upon by the petitioner Srimathi Louisa Rodrigues.

S.No.	Description	Total Extent	Extent of Encroachment Denoted A.C.		Nature of Encroachment.
		Ac cts			
52/1	Por.River	72-42	52/IX	0-12	by means of a pucca filled building, and planting cocoanut plants.
57/9 B1	A.N. Garden	0-32	57/9 B1	0-32	
57/10B	-do-	0-07	57/10B	0-07.	
58/	Por.sea	12.61	58/2	0-15	
				0-66	

All the plots are situated within one furlong from the High water mark of the sea and are entered in the Prohibitory Order Book. They are also within 100 yard yards from the High water mark of the sea and within the Mangalore Port limits. They were granted to the petitioner for temporary occupation for agricultural purposes under B.S.O. No.15A by the Tahsildar Mangalore in his D.Dis.No.4182/49 dated 23-11-1949 for a period of 3 years from 1-7-1948 to 30-6-1951. But the petitioner instead of using the plots for the purpose for which they were granted constructed building to a height of above 12 feet without the previous permission of the proper authority and without obtaining a non marine licence. There was thus a breach of condition 12 of the grant and the Port Officer also objected to the height of the building. Thereupon encroachment proceedings were instituted and notice under section 6 of the L.E.Act issued. She has filed an appeal against the issue of this notice.

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3. As the port Officer says now in his letter No.2476/52/2 dated 10-10-1952 that there is no objection to the temporary retention of the building and in view of the fact that, if the height of the building is reduced to 12 feet there can be no doubt that the building itself may be rendered useless and may possibly come down altogether causing considerable loss. I am of the opinion that the portions of the encroachments containing the bungalow may be leased out year after year under B.S.O.24-A subject to the condition that she should be prepared to get the bungalow demolished at short notice, in case this is found necessary at any time in the interests of the Port. The portion containing coffee hotel building may also be similarly leased out. The cocoanut plants planted on all the plots should be removed as they will grow over 12 feet and their removal at a later stage may cause hardship. The plants are all trees now and no hardship will be caused by their removal now. The attempted fencing around the plants should also be removed as it interferes with the access of fishermen to the sea and as they objected to it during my inspection.

...

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4. The market value of the plots is estimated at Rs.23,00/- per acre as shown below:-

Annual letting value per acre of similar lands in the vicinity.	100--0--0
Deduct assessment.	9--0--0
Net	91--0--0
Capitalised at 4%	2,275--0--0 or
	Rs.2,300--0--0

I recommended that the rate of rent per year to be charged for the lease may be fixed at Rs.100/- per acre.

5. I request early sanction. The following records are enclosed for Board's perusal and return.

(i) Mangalore Tahsildar's D.Dis.4182/49.
(ii) -do- E.C.84/60.
(iii) Collector's D.Dis.1151/51
(iv) Open file pages 1-42.

(TRUE COPY)

COPY of
/Board's reference B.255/53-1 dated 17-1-1953.

Sub:- Encroachment - Land - Mangalore Taluk - Thannirbhavi village S.No.52/1X etc. - eviction - appeal - proposals - for lease - sanction - requested.

Read:-South Kanara, Collector's C.No.A.1.16137/52-10 dated 26-12-1952.

The Collector is requested to report on the following points very urgently.

i) The authority under which the plot was leased out by the Tahsildar in his D.Dis.4182/49 dated 23-11-1949;

ii) The purpose for which the plot has to be leased out;

iii) The lease for the valuation of rent at Rs.100/- per acre.

(TRUE COPY)

COPY of letter C.No.A1.16137/52-12 dated 22-3-1953 from the Collector of South Kanara.

Sub:- Encroachment - Land - Mangalore Taluk - Thannirbhavi village - S.No.52-1X etc. - Eviction - Appeal Proposal for lease - Sanction - Further report - Submitted.

Ref:- 1. My Ref. C.No.A1.16137/52-10 dated 26-12-1952.
2. Board's ref. B.255/53-1 dated 17-1-1953.
3. From the Tahsildar Mangalore Ref. E.C.84/60 dt. 16-2-1953.

The points raised in the Board's reference cited are dealt with below:-

POINT (i):- I enclose a copy of the Mangalore Tahsildar's report cited above. The land being within port limits and also within 100 yards of the High water mark of the sea, the Tahsildar's

action in leasing out the plot in his D.Dis.4182/49 dated 23-11-1949 was irregular. Action will be taken with regard to the irregularity separately on receipt of the file from the Board with orders the present proposal for lease.

POINT (ii):- The present lease for which sanction is sought in my report cited is for a non marine unremunerative private purpose under B.S.O.No. 24-A read with B.S.O. No.15-35 (viii)

POINT(iii):- According to Col.(5) of Appendix V-A the rate per acre chargeable for occupation of lands which in part limits for non-marine purpose - "other purpose" against "S.K. - Mangalore" is Rs.50/- to 100/-. In this case the encroachment is objectionable as already reported by me, and it is necessary to discourage such encroachments. Hence the maximum rate of Rs.100/- fixed for the category "other purposes" is recommended.

2. The connected records are enclosed as per list

(A) - Mangalore Talsildar's D.Dis.4182/49.
(B) - Mangalore Talsildar's E.C.84/60
(C) Collector's D.Dis.1151/51.
(D) Open file page 1-42.

Copy of letter Ref. E.C.84/60 dated 16-2-1953 from the Talsildar Mangalore to the Collector of South Kanara, Mangalore.

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ENCROACHMENT: Land - Mangalore Taluk Tannirbavi Village - S.No.52/1A etc. Eviction - Appeal - Proposals to lease - Sanctioned - Requested.

Ref:- Your Ref. A1. 16137/52-11 dated 29-1-1953.

POINT: (i) The Plots were originally encroached upon and it was represented by the encroacher that the plots would be required for raising food crops and he agreed to abide by all the conditions under B.S.O.15A - The Agricultural and Port Officers were consulted before the grant was made.

POINT (II) For the purpose of enjoying the plots with the Encroachment like the building and trees that exist on them.

POINT (III) The rent of Rs.100/- is the rent that is usually charged in the lease of lands leased under B.S.O. 24A within Port Limits in Mangalore Town to non-fishermen. This is in accordance with B.P.Dis.No.3092 dated 30-11-1937.

(5) The two files Taluk D.Dis.4182/49 & the records of E.C.84/60 are enclosed.

(TRUE COPY)

For Secretary.

d.l.18.5.

44|48 #/53

5

ORDER PAPER.

Revenue Department.

Subject:-Lease - Land - (South Kanara) - Mangalore Taluk - Thannirbhavi village - S.No.52/IX etc - Grant under the provisions of B.S.O.24-A to Srimathi Louisa Rodrigues - Sanctioned.

Recommendations of circulating officer:

para1, p29

The Collector and the Board have recommended that an extent of 66 cents of lands in S.Nos.52/IX, 57/9B1, 57/10B, and 58/2 of Thannirbhavi village, Mangalore taluk, South Kanara district may be leased to Sreemathi Louisa Rodrigues under the provisions of B.S.O.24-A on an annual rent of Rs.100/- per acre subject to the following special conditions:---

X on p30

(1) The lessee should be prepared to get the bungalow demolished at short notice, in case it is necessary at any time in the interests of the Port;

para 3, p29 -

(2) the cocoanut plants on the site should be removed; and

(3) the fencing around the plants should be removed so as to allow access to the fishermen going to the sea.

The recommendation may be accepted and the period of the lease may be limited to one year at a time to obviate complications later.

For order + ch on p.4 N.F

15.7.53
D.S.Rev

Orders of Minister(s).

M(ER) M. A. Manickavasagam
18.7.53.

~~Extract of G.O. of 1953~~

Revenue Dept.

6

Read.—

From the Bd. of Rev. Ref. No. B. 255/53-2, d. 18.5.1953

G.O. Ms. No 2085 Dated 20.7.53

In the circumstances explained in the reference read above, the Govt. sanction the lease of an extent of 66 cents of land comprised in S.Nos. 52/IX, 57/9B2, 57/10B and 58/2 of Thannirbhavi village, Mangalore taluk, South Kanara district, to Sreemathi Louisa Rodrigues, under the provisions of B.S.O 24-A. The lease is subject to the following special conditions in addition to the usual conditions of grant under B.S.O. 24-A.

1) The lessee should be prepared to get the bungalow demolished at short notice, in case it is necessary at any time in the interests of the Port;

2) the cocoanut plants on the site should be removed; and

3) the fencing around the plants should be removed so as to allow access to the fishermen going to the sea.

P.T.O

I

The lessee shall also pay a lease rent at the rate of Rs. 100/- (Rupees one hundred) only, per acre per annum for the entire extent of 6.6 cents granted to her.

X on ⅌ D.1

26.5.1953

5/6/12

15-7-53

To The Bd. of Rev. (L.R)

To The Dy. Dir. of South Kanara (Coorg) by Reg. Post (with records etc) Cost to the Asj. thro' the Tehsildar Deptt.

Copy to the Plaintiff one more copy

22

SECRETARY TO GOVERNMENT 11 SEP 1953 REVENUE DEPARTMENT

Sec'y Rev

To the commissioner & the implementation of the land reforms is given an opportunity to explain. M.A. Manickam 11.9.53 M(L.R.)

Sri Manika Velu Naiker

Hon'ble Minister for Revenue

Government of Madras

MADRAS

MINISTER FOR LAND REVENUE 11 SEP 1953

15 SEP 1953

SECRETARY TO GOVERNMENT REVENUE DEPARTMENT SEP 1953

Memorial submitted by Mrs. Louisa Rodrigues, widow of the Late Sri P. G. Rodrigues, Coffee Planter, residing in Balmatta Road, Mangalore 1, South Kanara

In the matter of the Proceedings of the Collector of South Kanara dated 29-7-1953 - Rev. Dis. No. 16137/52

Subject: Encroachment - land - Mangalore Taluk - S. No. 52 etc.

For easy reference, I enclose herewith the following:

1) Petition dated 13-6-1952 made to the Collector of South Kanara

2) Proceedings of the Collector of South Kanara dated 29-7-1953

3) Copy of G.O. No. 2085 dated 20th July 1953 from the Government of Madras, Revenue Department

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1. The Petitioner invites a reference to her petition dated 13-6-1952 referred to above.

2. It will be seen from the said petition that S. No. 57/9 and 10 revised as S. Nos. 57/9B2, 10B2 and 9B1B of Thannibnavi Village, were originally Patta lands in the enjoyment of one M. Annappa Naik and his predecessors-in-title for the last many generations.

3. The sale deed executed by the said M. Annappa Naik in favour of Petitioner included these

L. Rodrigues

survey fields. They were treated as Patta lands in the enjoyment of the Vendor and the Petitioner purchased them as Patta lands. There was no reference to any resumption at the instance of the Government in the records maintained by the Registration Department. In fact, when the Petitioner applied for an encumbrance certificate touching the property which she was buying from the said M. Annappa Naik, there was no reference to Government or any other person dealing with the property as resumed land. The Petitioner would never have purchased the land and paid a heavy price therefor if she knew that a portion of the property - subject matter of her sale deed - was land resumed by Government.

4. It will be clear from the records of the case that the Petitioner under the bona fide belief that she was absolutely entitled to it, improved it in various ways. The building on the property is a substantial one costing over Rs 7,000. The property has been fenced at great expense. The old jompady houses have been repaired and coconut trees have been planted.

5. The property is of no use to anybody. The fishermen have ample land for their fishing operations. The Port Authorities have no serious objections to the land being granted to Petitioner.

6. The plot in question adjoins Petitioner's other warg lands. Depriving the Petitioner therefore of this land will mean an absolute hardship to her.

7. The District Collector held a local

inspection and he was easily convinced of the justice of her cause. Stumps of old coconut trees which are still existing on the property were shown to the Collector. These trees were very old trees and they were more than 20 or 30 feet in height at the time they were cut down.

8. The terms imposed upon her under G.O. No. 2085 mentioned above are very hard. If the Petitioner asked for a lease of this property, it was because she thought that there was no alternative but to do so. All of a sudden she was called upon to demolish the building on which she had raised a substantial bungalow. According to the Revenue Divisional Officer who inspected the plot, her only remedy was to apply for a lease in respect thereof and it was done with the sole object and idea of saving the bungalow from imminent demolition.

It is respectfully submitted that on a kind consideration of these facts, the G.O. passed in this case may be suitably modified and the stringent condition imposed removed. and the site on which the building stands may be assigned to her on suitable terms.

MANGALORE,
~~22nd August 1953~~
11th September 1953

L. Rodrigues
Memorialist

BEFORE THE COLLECTOR OF SOUTH KANARA

D.Dis. No. 1151/51 dated 12-6-1951

Grants: Land - Land within Port limits - Mangalore Taluk Thannirbhavi village, S. Nos. 52/1X etc.

Mrs.Louisa Rodrigues, widow of the late Mr. P. G. Rodrigues, residing in Attavar Village, Mangalore Town) Petitioner

Most respectfully showeth,

1. That the plots subject matter of the above enquiry were purchased by the Petitioner along with other continguous plots from Manel Annappa Naik as per sale deed dated 12-7-1944. The plots were in actual occupation of chalgeni tenants, who executed chalgeni leases to Manel Annappa Naik.

2. It was only after going through the title of the said Manel Annappa Naik and the encumbrance certificate that Petitioner made up her mind to buy them. Ever since the date of the sale deed, the plots in dispute now, were treated as part and parcel of her kadim lands.

3. Under the bona fide impression that the entire property purchased under the said sale deed of 12-7-1944, belonged to her absolutely, she began to improve the property in various ways. She even applied to the Port Authorities for grant of a vacant site adjoining her land and extending up to the bund of the river.

4. She constructed mud walls, planted cocoanut plants, stones were got ready and stored on the plot for extending a building. The putting up of the wall was absolutely necessary to protect the property from cattle trespass.

5. At that stage, the Petitioner received notice under Section 7 of the Madras Act III of 1905. In answer to the notice she made it clear that she never intended to encroach upon any Government land, that what she did on the land were acts of ordinary user and enjoyment, a property which she thought and believed was hers. She also prayed that the plot may be duly included in her Patta.

6. The Tansildar and the Revenue Divisional Officer inspected the property. They were convinced of the bona fides of her case. They saw the heap of laterite stones

stored on the plot. The purpose of the stones was also explained to them. The site of the foundation was also shown to them. Their advice to the Petitioner was that she should apply for a lease of the property.

7. On their advice, she applied for a lease of the plots and the plots were granted to her on lease. The lease prohibits erection of buildings without the previous sanction of the assigning authority.

8. The suggestion of the Revenue Divisional Officer that she might apply for a lease of the plot made under circumstances detailed above and with full knowledge. The stones heaped on the property were being used for construction of a building, was, as the Petitioner thought, sufficient authority for her to erect a building on the property. In the interests of justice and equity, the Petitioner prays that the sanction contemplated by the terms of the lease may even now be given to her.

9. What the Petitioner has done to put up a bungalow for a summer recess in S.NO. 57/1082 on the firm conviction and belief that under the peculiar circumstances of the case, the Government would raise no objections to her putting up a building.

10. This Court would appear to have passed an order on 12-6-1951 asking the Tansildar to institute eviction proceedings against the Petitioner. The order passed without hearing the Petitioner and considering her case, is bound to work a real hardship on her. As mentioned above, the amounts spent on the various items of improvements including a substantial structure referred to above are over Rs 7,000/-.

11. It is absolutely necessary that the Petitioner should be given an opportunity to argue her case before this Court and satisfy the Court as regards her bona fides. Pending this enquiry, the Petitioner prays that the orderof eviction passed against her may be held in abeyance. She furtner prays that this Court may be pleased to hold a local inspection of the property which would convince the Court of the injustice that is sure to result to Petitionerin case this Court is not willing the orders that are passed.

MANGALORE)
13-6-1952)

Signed. Louisa Rodrigues

Petitioner

15

Copy of Ref. C. No. A1.1613//52/12 dated 22-3-53

Encroachment - Land Mangalore Taluk - Thannirbhavi village - S. No. 52/IX etc. Eviction appeal proposals for lease - sanction - Further report submitted

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Ref: 1. My Ref.C. No. A1.1613//52-10 dated 26-12-52
2. Board's Ref. B. 255/53-1 dated 17-1-53
3. From the Tahsildar Mangalore Ref. EC. 84/60 d/16-2-53.

The points raised in the Board's reference cited are dealt with below:

POINT (i) I enclose a copy of the Mangalore Tahsildar's reported cited above. The land being within port limits and also within 100 yards of the High water mark of the sea, The Tahsildar's action in leasing out the plot in his D.Dis. 4182/49 dated 23-11-49 was irregular. Action will be taken with regard to the irregularity separately on receipt of the file from the Board with orders on the present proposal for lease.

POINT (ii) The present lease for which sanction is sought in my reported cited is for a non marine unremunerative private purpose under B.S.O. No. 24-A read with B.S.O. No. 15-23(viii).

POINT (iii) According to col. (5) and Appx. V.A the rate per acre chargeable for occupation of lands within port limits for non marine purposes "other purpose" AGAINST "S. K. Mangalore" is Rs 50 to 100/- In this case the encroachment is objectionable as already reported by me and it is necessary to discourage such encroachments. Hence the maximum rate of Rs 100 fixed for the category "other purposes" is recommended.

2. The connected records are enclosed as per list.
Mangalore Tahsildar's D.Dis. 4182/49
do. E.C. 84/60
Collector's D.Dis. 1151/51
Open file pages 1-42.

/True Copy/

Copy of G.O.Ms. No. 2085 dated the 20th July 1953 from the Government of Madras, Revenue Department

LEASE: Land (South Kanara) Mangalore Taluk - Thannirbhavi village - S. No. 52/1X etc. grant under the provisions of B.S.O. 24-A to Sreemathi Louisa Rodrigues - sanctioned.

Read the following: From the Board of Revenue Ref. No. B. 255/53-2 dated 18-5-1953

ORDER:

In the circumstances explained in the reference read above the Government sanction the lease of an extent of 66 cents of land comprised in S. Nos. 52/IX 57/9B1/57/10B and 58/2 of Thannirbhavi village Mangalore Taluk South Kanara district to Sreemathi Louisa Rodrigues under the provisions of B.S.O. 24-A. The period of lease is restricted to a period of one year at a time. The lease is subject to the following special conditions in addition to the usual conditions of grant under B.S.O. 24-A.

1. The lessee should be prepared to get the Bungalow demolished at short notice in case it is necessary at any time in the interests of the Port;

2. The cocoanut plants on the site should be removed; and

3. The fencing around the plants should be removed so as to allow access to the fishermen going to the sea.

The lessee shall also pay a lease rent at the rate of Rs 100 (Rupees one hundred) only per acre per annum for the entire extent of 66 cents granted to her.

(True Copy)

R. Dis. No. 16137/52

Proceedings of the Collector of South Kanara dated 29-7-1953

Sri A. Mahalingam Chettiar, B.A.

SUB: ENCROACHMENT: Land - Mangalore Taluk Thannirbhavi village - S. No. 52/1 etc. - Eviction appeal orders passed

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Read: (1) Petitions dated 13-6-1952 and 22-7-1952 from Srimatni Louisa Rodrigues

(2) Collector's Ref. A1.16137/52-10 dated 26-12-1952

(3) " Ref. A1.16137/52-12 dated 22-3-53.

(4) G.O. Ms. No. 2085 Rev. dated 20-7-1953

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3. A copy of the G.O. read above is communicated to the petitioner. She is referred to the Tahsildar Mangalore for further action in the matter.

(By order)

Sd: .....

1.8.53

Huzur Sarishtadar

To the Tansildar Mangalore (whole) with a copy of the G.O.

To the B section whole with a copy of the G.O. D.Dis. 4182/49 and B.C. 84/60

To the R.D.O. Mangalore (whole) with a copy of the G.O. and Collector's reference read third

To the petitioner (para 3) with a copy of the G.O. through her Advocate Sri L. C. Pais, B.A.,B.L., Mangalore

materials of building were stocked there such as stones, granite gravel &c and even the foundation was put up.

10. The Revenue Divisional Officer when visited the locality, the building had come up and in between this time there was no such order to remove the building.

11. The memorialist relied upon the documents and the encumbrance certificate that it belonged to private party and not to the Government before her purchase. No information was sent to the Registrar by the Tahsildar

12. The Revenue Divisional Officer though issued a notice under Sec 7 of Madras Act III of 1905 when visited the site felt sympathy for the pet memorialist and suggested to apply for lease as the only alternative to save the removal of the building

13. The memorialist though represented that the land may be given to her on darkest underdesperate hurry agreed for the lease that it would save all trouble. She was not aware of the conditions of a lease under B.S.O 15 then.

14. The memorialist also approached the Collector who also went to the locality and assured that better terms would be given to the memorialist

15. The memorialist agreed for the lease only as a temporary measure as no grow more food could be grown on the land as it is only meant for cocanut and casurina cultivation.

16. More than 7 ~~000~~ thousand Rupees have been spent for all the improvements and the memorialist will only meet injustice if the order now passed by the Government is kept in force.

10/9/13

Notes of instructions regarding Shamirbhavi encroachment

4/18

No 1. Property situated in Shamirbhavi Village and comprised in S.No 57/9B1B, 10B2; 58/2 and 52/9 according to present Revenue Records Extent 0-25 0-4 0-12 0-15 Shown as garden land in the Sketch prepared by the Shanbhogue

2. Old Survey description — Revised 57-9A Bagayat 0-42
S.No 57/9 Bagayat 0-89 } Patta No 79 10A — 0-15
57/10 — 0-22 } 10B — 0-7
9B2 — 0-15
9B1 — 0-32

3. The property originally was warg land and the description was as shown in No 2. This was first purchased by one Venkatraya Shanbhogue as per Sale Deed Registered as No 793 Dated 15.3.1943 and sold to Sri Manel Annappa Naik.

4. Venkat Manel Annappa Naik Sold to Mrs Lonisa Rodrigues — as per Sale Deed Registered as No 1869 on 12.7.1944.

5. The description of the property i.e classification shows as — bagayat land and it cannot be denied that there were cocanut trees on the said plots before 20 years for the last time and subsequently on account of high winds most of the trees were uprooted and some died.

6. Though it is the case of the Government that the plots alleged to have been encroached were obtained back by the Government in Taluk Office D is No 366/D (1915) 1324 and shows that they were Reserved by the Government under Taluk Office N. Ref 12118/1340 (Dated 22.2.1941) the plots were enjoyed by the tenants of Mrs Lonisa Rodrigues' predecessors. To point out the truth the earliest lease dated 30.6.1943 may be perused.

7. It is only when the memorialist repaired the fencing and levelled the land it was for the first time brought to the light of the Government that she had encroached the Same.

8. The first information given by the Shanbhogue was without appraising the facts. The Shanbhogue was very well knew that it was enjoyed by the tenants on the locality even before petitioner purchased the Same and that there were cocanut trees and Stumps which were subsequently got removed by the memorialist. His plan dated 9.3.1949 be perused

9. When the notice of encroachment was Served on her all the

Revenue Dept.

Memo. No. 86767 A/53-1 d. 26.X.53

Lease - Land - (South Kanara) - Mangalore taluk - Thannirbhavi village - S.No. 52/1x etc. - Grant in favour of Sreemathi Louisa Rodrigues - Representation.

From Sreemathi Louisa Rodrigues, petn. d. 11.9.1953.

A copy of the petn. cited is forwarded to the Collr. of South Kanara for ~~a detailed report on 15 conforming to Publication~~ ~~connected records~~ the Collr. is ~~also~~ requested ~~to~~ not to implement ~~action on~~ the orders issued in GO. Re. No. 2085, Rev. d. 20.7.1953

P.T.O.

~~EE~~ 1

15 final notice ~~instructions~~
pending ~~further action~~ of
Govt. ~~in~~ the ~~matter~~ petition

with
22-X-53

22/10/53

21/10/53

28/X/53

with a ~~To~~ the Bdr. of South Kanara
copy of
the petn. ~~To~~ the Bd - of Rev. (L.R)

Ap. 1-3

28/10/53

ER. sent on 21/XII=
Reply due on 5.1.54

145-46 A
2-3-54

A 1

REVENUE DEPARTMENT.

Subject:

LEASE - Land (South Kanara) Mangalore Taluk - Thannirbhavi village S.Nos.52/1X etc Grant in favour of Srimathi Louis Rodrigues representation - remarks submitted.

No. Ref.B.759/53-2 Station: M a d r a s. Dated 25 - 2 - 1954.

From

Sri W.R.S. Satthianathan, I.C.S., Commissioner of Land Revenue

To

Sri P.Sivasankaran Pillai, I.A.S., Secretary, Board of Revenue, Madras.

...

Read: Govt.Rev.Dept.Memo No.86767-A/53-1 dated 26-10-53.
South Kanara Collector's Ref.A.1.24899/53 d/28-1-54.

...

REFERENCE:

Submitted to the Government.

2. In the circumstances reported the Board recommends that the request of the petitioner for reconsideration of the orders issued in G.O.2085 Revenue dated 20-7-53 does not deserve any consideration that her petition may therefore be rejected.

for Secretary.

To the Secretary to Government,
Revenue Department. with records.
1.S.K.Collr's R.Dis.16137/52 d/29-7-53 and D.Dis.1151/51 d/12-6-51.
Mangalore Tahsildar's D.Dis.4182/4 d/23-11-49 and open file C.No.8578/53(pp.1-10
1-108

Rev N 26/2

Ref. A1. 24899/53. S.K.Collector's Office,
Mangalore dated 28-1-1954.

From

Sri A.Mahalingam Chettiar,I.A.S.,
Collector of South Kanara.

To

The Secretary to Government,
Revenue Department,
M a d r a s.

Through

The Secretary to the Board of Revenue,
Land Revenue, Chepauk, Madras.

Sir,

LEASE: Land (South Kanara) Mangalore Taluk-Thammirbhavi village- S.Nos. 52/1X etc. - grant in favour of Srimathi Loula Rodrigues- representation-Report submitted.

---:o:---

Ref: (1) Government Memo.No. 86767/ A/53-1 Rev. dt.26-10-5
2. Board's cf.B. 759/ 53-1 dated 17-11-1953.

--:o:--

In G.O.Ms.No.2085, Revenue dated 20-7-53, the Government sanctioned the lease of an extent of 66 cents of land comprised in S.Nos. 52/1X, 57/9B1, 57/10B and 58/2 of thammirbhavi village of Mangalore taluk to the petitioner Srimathi Loulsa Rodrigues subject to the 3 special conditions imposed in it. This matter was dealt with in the Board's Ref.No.B.255- 53-2 dated 18-5-53

2. The contentions raised by the petitioner are dealt with below:-

Para 1 of the petition - The petition dated 13-6-52 filed before the Collector is at pages 1-3c.f. of the file R.Dis. 16137- 52.

Para 2:- At the time of original settlement S.No.57/9 measuring 0.89 cents and S.No.57/10 measuring 0.22 cents were patta lands. Between the years 1922, and 1924 portions of these plots were relinquished by the registered holders owing to erosion by sea and only S.No.57/9B2 measuring 0.15 cents remained in the holding S.No. 57/9B2 now stands registered in the name of the petitioner. The plots S.No. 57/9B1 measuring 0.32 cents and S.No.57/10B measuring 0-7 cents which form the portion of the leased land are now registered as relinquished lands in the revenue records. The petitioner has produced the sale deed dated 12-7-44 executed by Sri Annapra Naik in her favour. It is at pages 95 to 100 of the file C.No. 8578-53 of the Taluk Office Mangalore. In the schedule showing the description of the property covered by the sale deed, both S.Nos. 57/9 and 57/10 are shown and extents are noted as 0-89 and 0-22 respectively. But at the time the sale deed was executed in 1944 the seller had right only in S.No. 57/9B2 measuring 0.15 cents for the reasons explained above.

Para 3:- As stated in the remarks on para 2 of the petition the only portion that remained as patta land is 57/9B2 and the entire remaining portion of S.No.57/9 & 57/10 came to be registered as Government land due to relinquishment. Though it is possible that the petitioner purchased the plot under a bonafide belief that the vendor had title over it she must have come to know of the mistake at the time the registery was transferred in

Para 4:- The petition dated 14-1-49 at pages 1-2 of Taluk D. Dis. 4182/49 shows that the petitioner has come to know at that time that the ownership of the land vested with the Government. At that time the petitioner had not constructed the building and the Revenue Inspector reported on 5-4-49 that the encroachment then consisted of only a fence valued at Rs.25/-. All the valuable improvements since done by her were therefore made after she came to know that she was not entitled to the lands.

Para 5: The contention raised in this paragraph has been dealt with in detail in paragraphs 2 and 3 of this office report Al. 16137/ 52 dated 26-12-53. 52

Para 6 - It is true that the leased lands adjoin S.Nos. 57/8 and 57/9B2 which are her patta lands.

Para 7:- My predecessor's notes of inspection are at pages 5 and 6 n.f. of R.Dis. 16137/ 52

Para 8:- The conditions imposed in the G.O. were proposed as they were found necessary for the reasons given in my predecessor's inspection notes. The petitioner has not been directed to demolish the bungalow now. The condition is that she should be prepared to demolish it at short notice in case it is necessary in the interests of the Govt. This condition was suggested by the Port Officer.

3. The following records are submitted.

(i) Collector's R.Dis. 16137/52.
(ii) Collector's D.Dis. 1151-51-
(iii) Mangalore Tahsildar's D.Dis. 4182/49.
(iv) Mangalore Tahsildar's open file C.No.8578/53 containing pages 1 to 108.

Yours faithfully,

29.1.54

For Collector.

(In duplicate)

V. Urgent
PR sima
SS
1.6.54
Pon 2.6.54.

Rev.Dept.

Memo.No.86767 A/53-3 dated 1-6-54

Lease--Land--(South Kanara)--Mangalore Taluk--Thannirbhavi vge--S.Nos.52/1A etc.--Grant in favour of Srimathi Louisa Rodrigues--Representation.

Ref:-From Srimathi Louisa Rodrigues, petition dated 11.9.53.

The petitioner is informed that she may arrange to argue her case before the Minister for Land Revenue at 12 noon on any working day from 15th June to 24th June, 1954 at his room in Fort St.George, Madras.

SS 26.5.54
PD 26.5.54

To Srimathi Louisa Rodrigues,
Balamatta Road, Mangalore 1,
South Kanara Dt.

Copy to the Bd.of Rev.(LR) (w.r.to Bd's Rc. B.759/53-2 dt 25.2.54)

Copy to the Collr.of S.Kanara. (w.r.to Collr's Lr. Dt. 24895/53 dt 28.4.54.)

SECRETARY TO GOVERNMENT
15 JUN 1954
REVENUE DEPARTMENT

Mangalore,
9th June, 1954.

To

The Hon'ble Minister for Land Revenue,
Fort St.George,
Madras.

MINISTER FOR LAND REVENUE
15 JUN 1954

ASSISTANT SECRETARY TO GOVERNMENT

Memorandum No.86767A-53-3 dated 1-6-1954 leased land (South Kanara) Mangalore Taluk, Thannirbhavi Village - S.Nos. 52-1 etc. - graht in favour of Srimathi Louisa Rodrigues - representation.

I thank you for the notice dated 1-6-1954 sent to me asking me to appear before you to argue my above case between the dates of 15th and 20th June, 1954. The copy of the said notice is enclosed for ready reference.

My advocate is Mr.L.C.Pais, M.L.A., South Kanara. Mr.Pais will argue the case for me. To make it convenient for Mr.Pais to do the same I shall be thankful if you will kindly post the case during the next assembly sessions.

The Subordinate Judge's Courts reopen on the 11th of this month. Hence Mr.Pais is unable to leave for Madras during the time fixed for hearing the case.

I am an old lady keeping indifferent health and so unable to come to Madras.

It is not possible for me to engage another lawyer at this stage as Mr.Pais is fully conversant with the facts of the case and has inspected the locality during some inspections.

I may mention here that I have not been given an opportunity by the Collector to hear me before a report was drawn though I made a request to that effect. The Collector sent a notice to me Ref. C.No.A.1.24899/53/2 dated 13-11-1953 to produce my documents before the Tahsildar who was directed to hold an enquiry but neither the

Tahsildar nor the Collector heard my grievances though the latter definitely promised to hear me. I am sure this will convince you to pass favourable orders in my favour when my lawyer explains the facts.

Yours faithfully,

L. Rodrigues

(Same as p.16 ante)

Revenue Department
Memorandum No.86767 A/53-3 dated 1-6-1954.

Lease - Land - (South Kanara) - Mangalore Taluk - Thannirbhavi village - S.Nos.52/1 etc. - Grant in favour of Srimathi Louisa Rodrigues - Representation.

From Srimathi Louisa Rodrigues, petition dated 11-9-1953.

The petitioner is informed that she may arrange to argue her case before the Minister for Land Revenue at 12 noon on any working day from the 15th June to the 20th June 1954 in his room in Fort St. George, Madras.

T.J. Jacques,
Deputy Secretary to Government.

To Srimathi Louisa Rodrigues, Balmatta Road,
Mangalore - 1, South Kanara Dt.
Copy to the Board of Revenue (Land Revenue) (with reference to its Reference B.759/53-2 dated 25-2-1954)
Copy to the Collector of South Kanara (with reference to Collector's letter D1.24895 /53 dated 28-1-54)

Forwarded/By order

Superintendent.

TTSV/2-6- True Copy

Rev.Dept. 29 20

Memo.No.86767 A/53-5 dated 2.8.54

Lease--Land--(South Kanara)--Mangalore Tk--Thannirbhavi village--S.Nos.52/1 etc--Grant in favour of Srimathi Louisa Rodrigues--Representation.

Ref:- From Srimathi Louisa Rodrigues, petition dated 9.6.54.

With ref . to ~~the~~ her petition quoted above, Srimathi Louisa Rodrigues is informed that she may arrange to argue her case through her advocate (Sri L.C.Pais. M.L.A.) before the Minister for Revenue at 2.P.M. on Monday the 9th Aug (9.8.54) in his room in Fort St.George, Madras.

To
Srimathi Louisa Rodrigues,
Balamatta Rd, Mangalore-1
S.Kanara Dt.-(By Regd Post)

Copy to the Collr.of S.Kanara.

" " Bd.of Rev.(L.R).

Pl. issue
SS
18.10.54

Govt Rev. Dept.
Memo. No. 56767A/53 - dated 19.8.54.

Lease - Land - (S. Kanara) - Mangalore Taluk - Thannirbhavi village - S. Nos. 52/1x etc - Grant in favour of Petition Srimathi Louisa Rodrigues - ~~Representation~~ - Rejected.

Ref:- From Srimathi Louisa Rodrigues, petitions, dated 11-9-53, & 9-6-54.
From the Collr. of S. Kanara, A1.24899/53 d/28.1.54
From the Bd. of Rev. Rep. B. 759/53-2 d/25.2.54

The Govt. ~~accept the recommendation~~ agree with the view of the Board of Revenue that the request of the petitioner for reconsideration of the order issued in G.O.Ms.No. 2085, Rev., d/20.7.53 does not deserve any consideration. The Govt accordingly direct that the

Lt. 14-15 CF.

The Govt. have examined the contentions raised by Srimathi Louisa Rodrigues in her petition dated 11-9-53 and also are find that they are unjustifiable. They accordingly see no grounds to reconsider the orders already

31

do accordingly.

petition ~~is~~ rejected.

2. Srimathi Lonisa Rodrigues is referred to the Collector of S. Kanara for orders on her petition quoted above.

S. [illegible] 1954

[illegible] passed by him in his M.P. No. 20 for Rev dated 20.7.53. The petition is rejected.

2. The stay ordered in Govt. Memo No. 86767 A/53-1 dt. ... 26.X.53 is vacated.

19.8.54

19.8.54

CENTRAL DESPATCH BRANCH

Van. / Post.

Despatched by Regd. Post. Messenger.

(J)

Date 25/8/1954. Despatcher's Initials.

To the Board of Rev
i/f (with enclosures in orig) (LR)
~~S.K.~~ Collr. S.K. Dis. 16131/52
(I)
2 D. Dis. 1151/51 dt 29.7.53 dt 12.6.53
(IV)
Mangalore Tahsildar's
D. Dis. 4182/dt 23-11-45
Open file Govt Memo 86787/53
(pp. 1 - 168)

Copy to the Collr. of S. Kanara (with enclosures in orig) (LR)

To Srimathi Lonisa Rodrigues
Balamatta Road,
Mangalore 1
(para 2 only)

32

Revenue Department
Memorandum No. 86767 A/53-6 dated 19th August, 1954.

Sub:- LEASE - Land - (South Kanara) - Mangalore Taluk - Thanmirbhavi village - S.Nos.52/1 etc. Grant in favour of Srimathi Louisa Rodrigues Petition - Rejected.

Ref:- From Srimathi Louisa Rodrigues. petitions, dated 11/9/1953 and 9/6/1954
From the Collector of South Kanara. A1.24899/53 dated 20/1/1954.
From the Board of Revenue, Ref.B.759/53-2 dated 25/2/1954.

The Government have examined the contentions raised by Srimathi Louisa Rodrigues in her petition dated 11/9/1953 quoted above and find that they are untenable. They accordingly see no grounds to reconsider the orders already passed by them in G.O.Ms.No. 2085 Revenue, dated 20/7/1953. The petition is rejected.

The stay ordered in Government Memorandum No.86767A/53-1 Revenue, dated 26/10/53 is withdrawn.

T.J. Jacques
Deputy Secretary to Government.

To
Srimathi Louisa Rodrigues, Balamatta Road, Mangalore 1.

The Board of Revenue (with enclosures in original)

(1) South Kanara Collector's R.Dis.16137/52 dated 29/7/1953., and D.Dis.1151/51 dated 12/6/1951.
(2) Mangalore Tahsildar's D.Dis.4182/4 dated 23/11/49.
(3) Open file C.No.9578/53

Copy to the Collector of South Kanara.

Forwarded/By Order

c/c. file with pleasure

Superintendent.

I 23/8

C.No. 44148

Revenue Deptt.

Lease - Land - (South Kanara) - Mangalore taluk - Thannirbhavi Village - S.No. 52/IX etc - Grant under provisions of B.S.O 24-A to Sreemathi Louisa Rodrigues - Proposal.

pp 1-4 cf From the Bd. of Rev. Ref. No. B.255/53-2, d. 18-5-1953.

To A.S

Please see the reference from the Bd. of Rev. on pp. 1-4 cf. The proposal in the reference is summarized below.

para 1 on p 1 of 2. An extent of 66 cents of land in Thannirbhavi Village, Mangalore taluk, South Kanara district was encroached upon by one Sreemathi Louisa Rodrigues, by the erection of a pucca tiled structure and cocoanut trees. The lands in question are entered in the Prohibitory Order Book and are situated within ~~one furlong~~ 100 yards from the High Water Mark of the sea and within the Mangalore Port limits. The lands were granted to Sreemathi Rodrigues for temporary occupation under the provisions of B.S.O 15-A, for agricultural purposes. But the grantee instead of using the plots for the purpose for which they were granted, constructed a building to a height of above 12 feet without the previous permission of the proper authority and without obtaining a non-marine licence.

para 2 ibid The Collr. of South Kanara has inspected the site and has remarked that the

encroachment is highly objectionable especially when there is a clear ruling that no encroachments to a height of above 12 feet can be allowed within port limits. However as the Port Officer, Mangalore has stated that there is no objection to the temporary retention of the building and in view of the fact that, if the height of the building is reduced to 12 feet, the building itself will be rendered useless, the Bd'r. has suggested that the portions of the encroachments containing the bungalow may be granted on an annual lease under the provisions of B.S.O. 24-A subject to the following conditions.

para 2 on p. 2.

1) the lessee should be prepared to get the bungalow demolished at short notice, in case it is necessary at any time in the interests of the Port.
2) the coconut plants on the site should be removed; and
3) the fencing around the plants should be removed so as to give access to the fishermen going to the sea.

The Bd'r. has also recommended that the lease rent may be fixed at Rs. 100/- per acre. The Bd. has supported the Bd'r.'s proposal.

para 4 on p. 3 of f. 1 c/f.

3. It is not clear from the Bd.'s ref. as to which portions from the total extent of 66 cents have

7

under the provisions of BSO 24-A

to be leased out to the grantee. Therefore it seems desirable to lease out the entire extent of 66 cents on an annual lease under the provisions of B.S.O 24-A subject to the conditions proposed by the Collr. Subject to orders, a draft order is submitted for approval.

I think that is the Collr's recommendation 8/6/53

4. P.W and Fin. may see before circulation.

8/6/53

9/6/53

9.6.53

in Rev. No. 180. 44148 A/53-1 dt. 8-6-53

P.W.D | Fin

ADDL. ASST. SECRETARY TO GOVERNMENT 11 JUN 1953 PUBLIC WORKS DEPARTMENT

PW(71)

Rev Deptt. note above and this draft order below may be perused. No remarks are called for in this Deptt. Order may be passed as to Fin.

53680

12/6/53 12.6.53

13/6/53

Fin - 16.6.53

PW P W No 53680 A/53-1 17-6-53

ADDITIONAL DEPUTY SECRETARY TO GOVERNMENT 17 JUN 1953 FINANCE DEPARTMENT

44148 A/-

Finance(Accounts)

Please see notes on pp.1-3 above.

2. For the reasons set out in para 3 of the South Kanara Collector's letter on p.2 C.F. it is proposed to lease 66 cents of land in Thannirbhavi village in South Kanara district encroached upon by Srimathi Louisa Rodriques and on which she has put up a bungalow contravening the provisions of B.S.O. 15A, on a rent at Rs 100 per acre. The lease will be subject to the special conditions referred to in para 2 of the Revenue Department's note on p 2 above in addition to the usual condition governing the grant of lease ~~under~~ vide B.S.O.24-A one of which is that the lease is liable to annual renewal by the Collector.

paras 3 & 4 on pp 2-3 ante

The proposal may be accepted subject to the following remarks:--

(1) Having regard to the valuable nature of the land in ~~xx~~ view of its proximity to the port and the existence of hotel in the encroached land Revenue may be requested to consider ~~whether~~ it may not be ~~revised in consultation with the Collector taking into account of the above factors~~ increased in consultation with the Collector while finalising the proposal the question of enhancing the rent of Rs 100 per acre.

The Collr. has stated that in view of the encroachment he has suggested the assessment rate of Rs 100/. This can be accepted.

(2) It seems desirable to make clear in the draft to restrict the lease to one year at a time subject to renewal in accordance with the provisions of B.S.O.24-A. ~~to~~ in draft Complication later.

(Not)

4/7/53 MC 6-7-53

Rev.

Revenue Dept.

7.7.53

Please see the notes on pp.1-3 above. Fin. have accepted

S 2966
ASST. SECRETARY TO GOVT.
9 JUL 1953

G(1)46 "/53

the proposal. They have suggested that the lease may be restricted for a period of one year at a time subject to renewal in accordance with the provisions of B.S.O 24-A, to obviate complications later. ~~This suggestion may be accepted~~ Subject to orders, necessary addition has been made (in pencil) in the ~~opening sentence of the~~ draft order submitted below. For orders whether the draft order may issue.

It is to be considered that it is the intention behind the suggestion. It may be made clear in the draft order.

cf A on f. 3 ante

DEPUTY SECRETARY TO GOVERNMENT
13 JUL 1953
REVENUE DEPARTMENT

Mehta
10-7-53

P. Ramanujam Mudaliar
15/7/53

Q
11.7.53

14.

Macphail
15.7.53

M(L.R)

Al. circulate

Mehta
15/7

M. A. Muthukrishnan
18.7.53.

M(LR)

Cir. 16/7

SECRETARY TO GOVERNMENT
18 JUL 1953
REVENUE DEPARTMENT

C.No. 86767 A/53 Revenue Dept.

6

Lease – Land – (South Kanara) – Mangalore taluk – Thannirbhavi village – S.No. 52/1F etc. – Grant under the provisions of B.S.O 24-A in favour of Sreemathi Louisa Rodrigues – Orders issued – Further representation.

ff 1-3 cf. From Sreemathi Louisa Rodrigues, Advocate, dated 11-9-1953.

To H.P.

Please see the petition on ff.1-3 cf. and the minutes of M(R) at f.1 cf. For the circumstances under which orders in Go.Ms.No.2085, Rev. d. 20.7.53 were issued, attention is invited to the notes and orders on ff.1-5 cf./(J). ~~However~~ With reference to the orders of M(R) at f.1 cf. a draft memo. is submitted for approval

ff 4-7 cf./(J)

Memo to s.o.t. the remarks of the H.P. in the Ct.Note at (K)

Estimate issue item for requisite action. 27/10/53.

22-7-53

22/10/53

25/10/53

26-10-53

ff. 11-12 cf

Issued as Memo No 86767 A/54 dated 26.10.53

1/

From the Board of Rev. Ref. No B 759/53-2

To A.S: dated 25.2.54.

Please see ~~the Remarks of~~ the notes on p.1. ante and the Board's Yefce ~~of Revenue~~ and the report of the Collector of South Kanara on pp 13-15 cf.

2. The following is the brief history of the case. An extent of 66 cents of land in Thannirbhavi village, Mangalore taluk, South Kanara district, was encroached upon by one Sreemathi Louisa Rodrigues by the erection of a pucca building and by cultivation of Coconut trees. The lands in question are entered in the Prohibitory Order book and are situated within hundred yards from the High Water Mark of the sea and ~~and are situated within 100 yards from the sea~~ Mangalore port limits. The lands were granted to the petitioner for temporary occupation under the provisions of B.S.O 15-A for agricultural ~~purp~~ purposes. But the grantee instead of using the plots for agricultural purposes, constructed a building without the previous permission of the proper authority and without obtaining a non-marine licence. After

After inspecting the site the Collector suggested that the portion of the encroachments containing the bungalow should be on an annual lease under the provisions of B.S.O 26-A subject to the following conditions:-

(1) The lessee should be prepared to get the bungalow demolished at short notice in case it is necessary at any time in the interests of the port.

(2) The coconut ~~tree~~ plants on the site should be removed; and

(3) The fencing around the plants should be removed so as to give access to the fishermen going to the sea.

The Board supported the above proposals of the Collector and orders were accordingly passed in G.O (Rev) No 2085 Revenue dated 20.7.53. Against this order the petitioner has submitted her present petition. The main contentions of the petitioner are the following:-

(1) S.No 57/9 and 10 revised as S.No 57/9 B2 10 B2 and 9 B1 B were originally patta lands in the enjoyment of M. Annappa Naik and his predecessors and the petitioner purchased them from him.

(2) The terms imposed ~~upon her~~ in G.O Ms No 2085 Revenue dated 20.7.53 are very hard. The petitioner has requested that the orders ~~passed~~ may be suitably modified, the stringent conditions removed and S.F No (57/10 BB 57/9/1 DB 2) on which the buildings stands may at least be assigned to her. The Collector of South Kanara who was asked to examine the contentions of the petitioner has stated that at the time of original settlement S.No 57/9 (89 cents) and S.No 57/10 (22 cents) were patta lands, that between 1922 and 1924 portions of the plots viz 57/9 B1 and 57/10 B were relinquished by the registered holders owing to erosion by the sea and that at the time of sale to the petitioner the seller had right only to S.No 57/9 B2. The Collector has also stated that the conditions imposed in G.O (Rev) No 2085 Revenue dated

9/C

20.7.53 were [illegible] as they were found necessary for the reasons given in his predecessor's inspection notes and that the conditions that the building should be demolished at short notice if it is necessary in the interests of the Govt. was suggested by the Port Officer. The lands lie within hundred yards of the high water mark of the sea and cannot therefore be assigned. It will thus be seen the request of the petitioner cannot be complied with. The Board of Revenue has stated that the request of the petitioner for reconsideration of the orders issued in G.O (Ms) No. 2085 Revenue dated 20-7-53 does not deserve any consideration and that her petition may be rejected. In the circumstances it is for consideration whether the Board's recommendation may be accepted and the request of the petitioner may be negatived. P.W.D. may see prior to circulation.

The Board's view that the request of the petitioner does not deserve consideration may be agreed to and the petition rejected.

2. In his minute on page 1 of M(R), Hon'ble M. ordered that the orders already issued should not be implemented till the parties from an opportunity to explain. The matter has already been instructed not to implement the orders pending final orders of Govt. on the petition. It is for orders whether M(R) proposes to hear the party before issuing orders on the petition.

3. P.W. may see before circulation.

14.4.54

19.4.54

23/4/54

P.W.D.

SECRETARY TO GOVERNMENT
24 APR 1954

33047

Revenue (C)
86767 A/53-2
23.4.54

81467A/53

IV
PWD(Fi)

The note of Rev. Dept. from page 2 ante may be perused and the file returned to Revenue Dept. no special remarks are called for in this Dept.

M
26.4.54 Rev.

PWD W.O. No.
33047 F/54.1
26.4.54

Rev Deptt.

To A.S.:

Please see the notes from p 2 ante. The case may be circulated to M.(R) for orders on 'A' and 'B' on p 4 ante.

L
30.4.54.

B
3.5.54

Ranjitsingh
4.5.54

For orders on A & B on pre-page

Kharas
5.5.54

The party may be written to that he may arrange to M(R.) argue their case before the Minister

M. A. Manickavasagam
23.5.54.

M

Draft
21.5.54

To A.S.

Please see the orders in circulation above. M.(R) is away from headquarters and the date of his

86767 A/53

return is not known. The file may therefore be recirculated to M.(R) for orders as to the time, and date of the interview. A draft memo is submitted. Particulars regarding time & date will be filled up after orders are passed on "A" above.

A

26.5.54

26.5.54

Time, date and place may kindly be fixed

27.5.54

M(R)

Any one working day, M(R) at 12 noon, from the 15th June to 20th June, 54

29/5

To A.S.

Draft Memo already submitted and approved has been suitably amplified and may issue.

1.6.54.

1.6.54

SECRETARY TO GOVERNMENT 31 MAY 1954 REVENUE DEPARTMENT

DEPUTY SECRETARY TO GOVERNMENT 1 JUN 1954

SECRETARY TO GOVERNMENT 31 MAY 1954 REVENUE DEPARTMENT

(Issued as Memo.No.86767 A/53-3, Rev., d/1.6.1954)

(From Srimathi L.Rodrigues, petition d/9.6.1954)

To A.S.

Please see the memo on p.16 C.F. and the petition from Srimathi L.Rodrigues on pp.17-18 C.F.

2. M.(R) ordered that the orders issued in G.Ms.No.2085, Rev., dated 20.7.53 should not be

12 K

implemented till the party was given an opportunity to explain. In his minute on pp 5-6 ante ~~Govt directed~~ ~~It was accordingly desired~~ that Srimathi L.Rodrigues ~~was~~ might be written to say that she might arrange to argue her case ~~before~~ on any working day at 12 noon between 15-6-54 and 20-6-54. In her petition on pp 7-8 ~~She~~ Srimathi Rodrigues has stated that she is an old lady keeping indifferent health and that it will be convenient if the Minister is pleased to post the case for hearing on some date during the next Assembly sessions to enable her Advocate (Sri L.C. Pais, M.L.A), who is fully conversant with the facts of the case to argue on her behalf. It is submitted that in this Dept's Memo on pp.11-12 C.F., the Collr.of S.Kanara has already been asked not to implement the orders in G.O.Ms.No.2085, Rev., dated 20.7.53, pending final orders of the Govt.in the matter. The file may ~~be~~ now be circulated to M.(R) for orders (1) whether the case may lie over till the date of the commencement of the next Assembly session, or

SS 9.6.54

(2) whether 'A' on p 4 ante will be approved

PO 21.6.54

The request for postponement at A on p 11 C.F. might be complied with. The file may lie over till the commencement of the next Assembly session

Sd/- 22.6.54 AS

M(R)

When is the next Assembly session to begin?

22.6.54

To A.S.

"A" in the margin above.— It is noted that neither the Assembly Secretariat nor the Public (Elections) Dept has any information regarding the probable date of the next meeting of the Assembly.

Sd/- 22.6.54

SS 23.6.54

PO 23.6.54

B

May lie over until the date of the next Assembly session is known

Sd/- 24.6.54

M.A.

27/6. M(R)

ASSISTANT SECRETARY TO GOVERNMENT
28 JUN 1954
JOINT SECRETARY TO GOVERNMENT
28 JUN 1954
REVENUE DEPARTMENT
28 JUN 1954
REVENUE DEPARTMENT

8 — 13

B 767 A/53

Revenue Department.

To A.S.

In accordance with the orders of M.(R) on p.5 ante, Srimathi Louisa Rodrigues of South Kanara was informed in this Dept.Memo. on p.16 C.F. that she might arrange to argue her case before M.(R) on any working day at 12 noon between 15.6.54 and 20.6.54. In her petition on pp.17-18 C.F., ~~In reply to this memo,~~ Srimathi Rodrigues stated that she ~~was~~ an old lady keeping indifferent health and that it ~~would~~ would be convenient if the Minister ~~was~~ pleased to post the case for hearing on some ~~date~~ day during the next ~~Assembly Sessions~~ Assembly Session to enable her advocate (Sri L.C.Pais, M.L.A) who ~~was~~ fully conversant with the facts of the case to argue on her behalf. The file was accordingly ordered to lie over till the date of the commencement of the Assembly session. It has now been announced that the next meeting of the Legislative Assembly will commence at 11 A.M. on 6th August,1954, and it is understood that the ensuing session will ~~last only for a few days.~~ be of a very short duration. The file may now be circulated to M.(R) for fixing the time and date as to when it will be convenient for him to receive Sri L.C.Pais. Subject to orders, a draft memo ~~xx~~ to the petitioner (leaving sufficient space for filling up the time and date) is submitted for approval.

M on p.5 ante

p.16 ante

pp. 17-18 ante

A on p.17 ante

B on p.7 ante

C below

SS 27.7.54 28.7.54

27/7/54

DEPUTY SECRETARY TO GOVERNMENT 31 JUL 1954 REVENUE DEPARTMENT

Attention is invited to the draft memo below. The blanks in the draft may please be filled in

29.7.54

SECRETARY TO GOVERNMENT 16 AUG 1954 REVENUE DEPARTMENT

DEPUTY SECRETARY TO GOVERNMENT 16 1954 REVENUE DEPARTMENT

ASSISTANT SECRETARY TO GOVERNMENT 11 JUL 1954 REVENUE DEPARTMENT

M.A. M(R)

30/7

SECRETARY TO GOVERNMENT 31 JUL 1954 REVENUE DEPARTMENT

29/7

N/A put up. Hearing postponed on the 9th inst.

16.8.54

Note

2 P.M.

~~Director Memo No. B767A/53-5 dt 26.8.54~~

14 9

Revenue Dept.

To A.S.

Please see the orders in circulation on p.8 ante. A draft memo is submitted for approval. After issue, the papers may be stitched with G.O.Ms.No. 2055, Rev., dated 20-7-1953 at (J).

55
18.8.54.

19.8.54

19.8.54

D.S. [Issued as Memo No. F 6767A/53-6 dt 19.8.54]